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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-205124

DATE: April 16, 1982

MATTER OF: Security Assistance Forces & Equipment OHG

DIGEST:

Failure of the agency to furnish solicitations on the request of the protester is unobjectionable since the Government received competition and reasonable prices and the failure to furnish the solicitations was not shown to be the result of any deliberate or conscious effort to exclude the protester from competition.

Security Assistance Forces & Equipment OHG (SAFE) protests the failure of the procuring agency to furnish SAFE copies of request for proposals (RFP) No. DAJA04-81-R-0867 and request for quotations (RFQ) No. DAJA04-81-Q-0536. We deny the protest.

The solicitations were issued by the Fuerth Area Contracting Office (Fuerth), U.S. Army Contracting Agency, Europe, for the installation of automatic door closers and smoke detectors. Nine electrical construction-type firms having bidders' mailing list applications on file for electrical construction projects were solicited under the RFP. Three offers were received and a contract was awarded to Elektro Beck.

Five metal construction-type firms having bidders' mailing list applications on file for electrical construction projects were solicited under the RFQ. Two offers were received, and a contract was awarded to Uhl GmbH. The contract prices are considered by the contracting officer to be fair and reasonable.

The Army advises SAFE was not initially solicited because its bidders' mailing list applications do not cover construction-type projects. Further, SAFE requests for solicitations were by project number. Because SAFE incorrectly cited the project numbers, the Army was unable to identify the solicitations requested until after the awards. The contracting

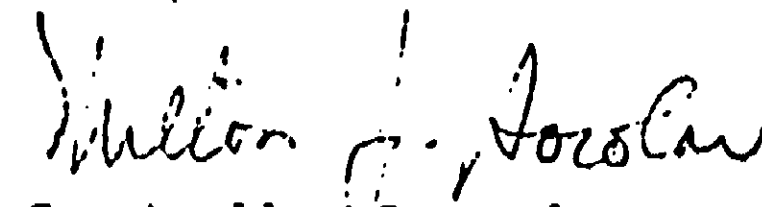
officer reports that during the pertinent time period, the procuring activity received and processed 950 Purchase Request and Commitment documents, some with specifications identifying multiple projects. The projects are neither logged nor indexed by project number. Therefore, "searches for project numbers became difficult, cumbersome and painstaking if not impossible."

SAFE alleges that it made several written and telephonic requests in which the requirement was identified to the individual buyers. SAFE also alleges that it was "advised that the requiring agency identified [SAFE] as one of the potential suppliers in its request for the supplies and services * * * but this request is not included in the administrative report." In addition, SAFE points out that there was only an insignificant error in its project citations.

We have held that failure by an agency to solicit even an incumbent contractor does not require resolicitation where adequate competition resulted in reasonable prices and where there was no deliberate or conscious intent on the part of the procuring agency to preclude a bidder from competing. Security Assistance Forces & Equipment OHG, B-201839, December 31, 1981, 81-2 CPD 516; Balmar Crimp Tool Corp.; Astro Tool Company, B-203917; B-203917.2, September 18, 1981, 81-2 CPD 227.

There is no allegation and no showing that adequate competition and reasonable prices were not received. The protester has not shown that the failure of the procuring agency to furnish the solicitations resulted from any cause other than the failure of the protester to request the solicitations by correct solicitation or project numbers. In this regard, SAFE has presented no evidence in support of its contentions concerning alleged agency knowledge of the firm's interest in the specific solicitations involved.

We deny the protest.


for Comptroller General
of the United States